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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,114	01/17/2006	Michael Dadi	P-70724-US	6148
49443 7590 06/22/2010 Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036				
EXAMINER				
SINGH, SUNIL K				
ART UNIT		PAPER NUMBER		
3732				
MAIL DATE		DELIVERY MODE		
06/22/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,114

Applicant(s)

DADI, MICHAEL

Examiner

Sunil K. Singh

Art Unit

3732

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 83-86, 96-98, 100-103, 105 and 106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 83-86, 96-98, 100-103, 105 and 106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/15/2010 has been entered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 83-86 are rejected under 35 U.S.C. 102(b) as being anticipated by Blacklock et al. (US 5,695,334).

Blacklock discloses an amenable abutment device that includes: a prefabricated intra-implant element (104) that fits in the dental implant or implant analog (2); a prefabricated intra-crown element (102) to be connected to the dental prosthesis (6); a resilient intermediary connection element (106) for connecting between the intra-crown element and the intra-implant element (104); wherein the intermediate element comprises a deformable element and bonding material (108) wherein the bonding material is wax (column 5, line 11); wherein the connection element is capable of being

adjustable in height orientation and lateral position that is used to determine a proper relative position of the intra implant element with respect to the intra crown element so as to facilitate forming a model abutment or a permanent abutment; wherein the intra-crown element is capable for precise fitting to an adapter; and wherein the deformable element (108) comprises an initially soft material that is eventually capable of hardening; and wherein the intra-implant element includes a bore (middle of 104); and wherein the intra-implant element (104) and intra-crown element (102) are discrete elements (column 4, lines 65-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 96-98, 100-103 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blacklock in view of Phimmasone (US 5,658,147).

Blacklock discloses the invention substantially as claimed except for a kit comprising a plurality of the various claimed elements and wherein the intra crown element is adapted to fit into a porcelain crown.

Phimmasone teaches a dental crown (21) made out of porcelain (column 4, line 35). It would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify Blacklock to include a crown made of porcelain, as taught by Phimmason, since such crowns are well known in the art. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Blacklock/Phimmason to include a kit containing a plurality of the claimed elements in order to provide multiple dental restorations for a patient in need of more than one tooth restoration.

Claims 96-98, 100-103 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blacklock in view of Feng (US 2005/0048440).

Blacklock discloses the invention substantially as claimed except for a kit comprising a plurality of the various claimed elements and wherein the intra crown element is adapted to fit into a temporary crown

Feng teaches an abutment device adapted to attach to a temporary dental crown (141). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Blacklock to include a device that is adapted to fit into a temporary dental crown, as taught by Phimmason, since devices are well known in the art. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Blacklock/Feng to include a kit containing a plurality of the claimed elements in order to provide multiple dental restorations for a patient in need of more than one tooth restoration.

Response to Arguments

5. Applicant's arguments filed 06/15/2010 have been fully considered but they are not persuasive. Applicant argues that Blacklock does not disclose an intra-implant and

an intra-crown that are distinct elements. However, the Examiner disagrees. Blacklock discloses that both elements are separate and are joined in column 4, line 65 -column 5, line 10. Therefore it is the Examiner's position that these two elements are in fact separate discrete elements as claimed.

The Applicant further argues that none of the combination of references teaches a plurality of the various claimed elements. However, the Examiner has not used a reference but rather made an obvious statement (see rejection above). The Applicant has not stated why such an obvious statement would be improper. Therefore, it is the Examiner's position that the rejection is proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil K. Singh whose telephone number is (571) 272-3460. The examiner can normally be reached on Monday-Friday (Increased Flex Schedule).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris L. Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/18/2010

/Sunil K Singh/
Examiner, Art Unit 3732

/Cris L. Rodriguez/
Supervisory Patent Examiner, Art Unit 3732